

**From:** Iain O'Cain  
**To:** Microsoft ATR  
**Date:** 1/13/02 3:24am  
**Subject:** Microsoft Settlement

I'm a consultant whose livelihood is threatened by Microsoft's abuse of their monopoly power. In recent years, I've moved progressively farther from use of Microsoft products in my own and my clients' solutions for office applications and Internet services. Some of the language in the settlement recently proposed by the Department of Justice concerns me greatly. It appears to me that this settlement would not only fail to curtail Microsoft's abuses, much less provide punitive deterrence or compensation to consumers, but could actually help strengthen Microsoft's attacks on openly available software.

Much of the language I've read in this proposed settlement seems to grant Microsoft undue powers for determining their responsibilities. Some examples include:

Section III(J)(2) seems to allow Microsoft to continue restricting access to their API, Documentation, and Communications Protocols from anyone they consider not to be a business! In particular, "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business..." seems outrageous to me. Providing my clients with access to their data often calls for the use of software like Samba[1], which is developed noncommercially through the collaboration of consultants like myself with the result of helping all our business practices.

Section III(D) appears to further limit Microsoft's obligation to share their API details except to organizations defined as commercial. What about projects like I've already mentioned? What about the government's own projects? I know that many consultants like myself have had to depend at times on the public availability of software developed at public expense by branches of the government.

Microsoft have already destroyed, through the practice of bundling, their main competition in the Internet browser market despite Netscape's huge lead. Their greatest rival now may be the Mozilla[2] browser, which is developed by a diverse collaboration, again noncommercially.

Despite bundling Web (WWW) server software and tying that to their Web content authoring software, Microsoft has yet to dominate that area. Consultants such as myself still prefer by some margin to deploy the more efficient, collaboratively developed Apache[3] software. Yet Microsoft continues to attack our ability to deploy such Open Source[4] solutions when it encourages or even forces by its market position the deployment of its own software, while keeping its software interfaces secret and

designing that software to depend on connections with Microsoft's own products.

I urge everyone involved to exact greater remedies. Please restrict Microsoft's ability to wield its monopolies against innovation by other parties as it has so clearly and consistently done. Microsoft should have to publicly reveal any software interfaces they might conceivably use as leverage to block competition because they have proved how cynically they have been willing to exploit every advantage to illegally block competition throughout their existence.

Thank you for considering this input.

Sincerely,

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#### FOOTNOTES:

[1] Information on the Samba project is available at  
<http://us1.samba.org/samba/samba.html>

[2] Information on the Mozilla project is available at  
<http://mozilla.org/>.

[3] Information on the Apache projects is available at  
<http://www.apache.org/>.

[4] Information on the practice of Open Source development is available at  
<http://www.opensource.org/>.